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09/782,659	02/13/2001	Katsunori Ishiyama	81800.0148	6998

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EXAMINER

BAKER, CHARLOTTE M

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/782,659

Applicant(s)

ISHIYAMA, KATSUNORI

Examiner

Charlotte M Baker

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/03/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on (02/13/01) is being considered by the examiner.

### *Claim Objections*

3. Claim 4 is objected to because of the following informalities: misspelled word “lest” change to “least”. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 6-10, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jambhekar et al. (5,715,524).

**Regarding Claim 1:** Jambhekar et al. disclose a radio communication device (column 1, line 67), which reads on “an operational input device”; a number pad with individual keys (column 3, lines 45-46), which reads on “a first key”; a movable housing element (column 3, lines 21-23) containing a number pad with individual keys (column 3, lines 42-46), which reads on “a cover which is opened or closed accompanying the first key”; when the cover is closed, the pressing of

Art Unit: 2626

a first key depresses a second key (column 3, lines 50-65), which reads on “at least one second key which is depressed in accordance with the depression of the first key under the condition that the cover is closed”; a switch activation device that signals an open or close state of the movable housing element (column 4, lines 1-7), which reads on “a cover detector for detecting an open/close status of the cover”; when the movable housing element is closed (not in the open condition), depressing the first key causes the second key to be depressed (column 3, lines 21-32 and column 3, lines 50-65 and column 4, lines 1-6), which reads on “a control unit that determines that the first key has been depressed when the at least one second key is depressed upon depression of the first key if the cover is closed, based on a detection result of the cover detector”.

**Regarding Claim 2:** Jambhekar et al. satisfy all elements of Claim 1. Jambhekar et al. further disclose a movable housing element which can be moved to an open, extended, or closed position and changes functions depending on each state (column 3, lines 21-41 and column 4, lines 1-65), which reads on “further including at least one sheet detector for detecting an open/close status of the respective sheet, and wherein the control unit changes functions performed by the respective second key in accordance with the open/close status of the respective sheet and cover”.

**Regarding Claim 3:** Jambhekar et al. satisfy all elements of Claim 1. Jambhekar et al. further disclose a plurality of keys, which are exposed on the second side of the movable housing element (column 3, lines 47-50 and column 3, lines 58-65), which reads on “wherein the first key has a plurality of protrusions formed on its bottom side facing the at least one second key”.

Art Unit: 2626

**Regarding Claim 4:** Jambhekar et al. satisfy all elements of Claim 2. Jambhekar et al. further disclose a plurality of keys, which are exposed on the second side of the movable housing element (column 3, lines 47-50 and column 3, lines 58-65), which reads on “wherein the first key has a plurality of protrusions formed on its bottom side facing the at least one second key”.

**Regarding Claim 6:** Jambhekar et al. satisfy all elements of Claim 2. Jambhekar et al. further disclose input capability (numbers or letters) depending on what condition the movable housing element is in (column 2, lines 7-22 and Figures 4-5), which reads on “wherein the control means determines whether to set a fax number or input letters in accordance with the open/close status of the respective sheet and cover”.

**Regarding Claim 7:** Jambhekar et al. satisfy all elements of Claim 2. Jambhekar et al. further disclose a user data area that is located below the movable housing element (column 3, lines 54-58), which reads on “wherein the at least one sheet is located below the cover”.

**Regarding Claim 8:** Jambhekar et al. satisfy all elements of Claim 2. Jambhekar et al. further disclose keys and displays in a layer (column 3, lines 42-65), which reads on “wherein the at least one sheet includes a plurality of sheets arranged in superposed relationship with each other”.

**Regarding Claim 9:** Jambhekar et al. satisfy all elements of Claim 8. Jambhekar et al. further disclose sub-areas located beneath the movable housing element (column 3, lines 50-58), which reads on “wherein the plurality of sheets are located below the cover”.

**Regarding Claim 10:** Jambhekar et al. satisfy all elements of Claim 8. Jambhekar et al. further disclose a hinge that couples the movable housing element and the main body element (column

Art Unit: 2626

2, lines 39-54), which reads on “wherein the cover and the plurality of sheets are pivotable about a substantially common pivot”.

**Regarding Claim 20:** Jambhekar et al. disclose a movable housing element (column 3, lines 21-23) containing a number pad with individual keys (column 3, lines 42-46), which reads on “first input means for inputting instructions to an associated machine, the first input means being openable and closable”; when the cover is closed, the pressing of a first key depresses a second key (column 3, lines 50-65), which reads on “second input means that is depressed upon depression of the first input means when the first input means is closed”; when the movable housing element is closed (not in the open condition), depressing the first key causes the second key to be depressed (column 3, lines 21-32 and column 3, lines 50-65 and column 4, lines 1-6), which reads on “means for determining that the first input means is depressed when the second input means is depressed upon depression of the first input means if the first input is closed”.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jambhekar et al. in view of Muramatsu et al. (5,410,419).

**Regarding Claim 5:** Jambhekar et al. satisfy all elements of Claim 1. Jambhekar et al. further disclose a fax capability (column 4, lines 24-29), which reads on “the first key is used for

Art Unit: 2626

switching between a fax mode”. Jambhekar et al. fail to specifically address a copy mode, or speed dial capability. Muramatsu et al. disclose a facsimile machine with a copy mode (column 5, lines 26-42), which reads on “a copy mode”. Muramatsu et al. further disclose a speed dial capability (column 6, lines 33-37), which reads on “and the at least one second key is a plurality of one-touch speed dial keys”. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the suggestion of Muramatsu et al. to incorporate a copy mode and a speed dial capability in the radiotelephone to improve dialing access time and to facilitate a way to copy important information stored within the phone.

8. Claims 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jambhekar et al. in view of Kida et al. (5,852,764).

**Regarding Claim 11:** Jambhekar et al. disclose a movable housing element (column 3, lines 21-23) containing a number pad with individual keys (column 3, lines 42-46), which reads on “a cover that can be opened and closed together with said first key”; when the cover is closed, the pressing of a first key depresses a second key (column 3, lines 50-65), which reads on “at least one second key depressed upon depression of said first key when the cover is closed”; a switch activation device that signals an open or close state of the movable housing element (column 4, lines 1-7), which reads on “a cover detector for detecting an open/close status of the cover”; when the movable housing element is closed (not in the open condition), depressing the first key causes the second key to be depressed (column 3, lines 21-32 and column 3, lines 50-65 and column 4, lines 1-6), which reads on “when said at least one second key is depressed by the depression of said first key while the cover is closed”. Jambhekar et al. fail to specifically address switching between copy and fax mode. Kida et al. disclose switching between a copy

Art Unit: 2626

and fax mode (column 18, lines 65-67 and column 19, lines 1-7), which reads on “a first key to switch between a copy mode and a fax mode” and “switching between the copy mode and the facsimile mode”. It would have been obvious for a person of ordinary skill in the art at the time of the invention to combine the teachings of Jambhekar et al. and Kida et al. to reduce burden incurred on the operator of the device.

**Regarding Claim 12:** Jambhekar et al. disclose a movable housing element which can be moved to an open, extended, or closed position and changes functions depending on each state (column 3, lines 21-41 and column 4, lines 1-65), which reads on “further including at least one sheet that can be opened and closed , and at least sheet detector for detecting an open/close status of the respective sheet, and wherein the controller switches functions of the respective second key in accordance with the open/close status of the cover and the respective sheet”.

**Regarding Claim 13:** Jambhekar et al. in view of Kida et al. satisfy all elements of Claim 12. Jambhekar et al. disclose input capability (numbers or letters) depending on what condition the movable housing element is in (column 2, lines 7-22 and Figures 4-5), which reads on “another function in accordance with the open/close status of the at least one sheet”. Jambhekar et al. fail to specifically address a one-touch speed dial key. Kida et al. disclose a one-touch dial key (column 13, lines 35-39), which reads on “wherein the at least one second key is used as a one-touch speed dial key”. It would have been obvious for a person of ordinary skill in the art at the time of the invention to combine the teachings of Jambhekar et al. and Kida et al. to produce a facsimile machine with a one-touch speed dial key to increase speed of operation.



Art Unit: 2626

**Regarding Claim 14:** Jambhekar et al. disclose input capability (numbers or letters) depending on what condition the movable housing element is in (column 2, lines 7-22 and Figures 4-5), which reads on “wherein said another function is a function to input a letter”.

**Regarding Claim 15:** Jambhekar et al. disclose a user data area that is located below the movable housing element (column 3, lines 54-58), which reads on “wherein the at least one sheet is located below the cover”.

**Regarding Claim 16:** Jambhekar et al. disclose keys and displays in a layer (column 3, lines 42-65), which reads on “wherein the at least one sheet includes a plurality of sheets arranged in superposed relationship with each other”.

**Regarding Claim 17:** Jambhekar et al. disclose sub-areas located beneath the movable housing element (column 3, lines 50-58), which reads on “wherein the plurality of sheets are arranged below the cover”.

**Regarding Claim 18:** Jambhekar et al. disclose a movable housing element as a flap (column 4, line 67 and column 5, line 1), which reads on “wherein the cover is a generally planar member”; an equally disposed components (column 2, lines 56-60), which reads on “the first key is provided at the center of the cover”; the fax mode is available when the movable housing element in the open position (column 2, lines 11-17) and the movable housing element as a flap (column 4, line 67 and column 5, line 1) and a hinge that couples the movable housing element to the main body (column 2, lines 39-42), which reads on “and the cover is generally planar with a main body of the facsimile machine when the cover is closed”.

**Regarding Claim 19:** Jambhekar et al. disclose the fax mode is available when the movable housing element in the open position (column 2, lines 11-17); a hinge that couples the movable

Art Unit: 2626


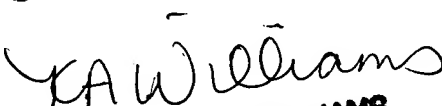
housing element to the main body (column 2, lines 39-42); a recess in the main body (Figure 3); a user data area that is located below the movable housing element (column 3, lines 54-58), which reads on "wherein the main body of the facsimile machine has a recess, and the at least one sheet is received in the recess".

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M Baker whose telephone number is (703) 306-3456. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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